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Bristol-Myers Squibb Company

Flight Operations - 174A Airport Road

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October 1, 1998

Department of Transportation Dockets
Docket N. FAA-98-4390 -32
400 Seventh Street SW
Room Plaza 401
Washington, D.C. 20590

By E-Mail: 9 NPRM-CMTS @faa.dot.gov

Re: Docket No. FAA-98-4390
Bristol-Myers Squibb Comment in Support of Proposed Rulemaking: "Flight Plan Requirements for Helicopter Operations Under Instrument Flight Rules," Notice No. 98-12; 63 Fed.Reg. 46834 (September 2, 1998).

Dear Madam Administrator;

Bristol-Myers Squibb Flight Operations submits this Comment in general support of the proposed rulemaking entitled "Flight Plan Requirements for Helicopters Operations Under Instrument Flight Rules," Notice No. 98-12, published in the Federal Register on September 2, 1998, at 63 Fed Reg. 46834 (Sept. 2, 1998) (herein after the NPRM). We applaud FAA for its efforts in this endeavor and thank them for the opportunity to participate in the rulemaking process.

Bristol-Myers Squibb began helicopter operations in 1986 with the purchase of it's first S-76B model helicopter. In 1990, Bristol-Myers acquired Squibb Pharmaceuticals, making it necessary to purchase and operate a second S-76 in order to meet the increased demands of our executive staff. Today, Bristol-Myers Squibb continues to operate two S-76B helicopters in corporate flight operations throughout the Northeast Corridor. As both of our helicopters are equipped with the most modem, state-of-the-art flight and

navigation equipment , and our pilots trained to the most demanding standards twice each year at Flight Safety International, our *Docket* helicopters are heavily utilized in both VFR and IFR operations throughout the year. Further, and at very least, we anticipate these operations to increase over the next several years.

The NPRM represents the culmination of several years work by a joint industry and FAA working group chartered in the FAA's Aviation Rulemaking Advisory Committee (ARAC), of which I have personally been a member since the group's inception. The NPRM suggests modifications to the regulations for rotorcraft in three ways. Bristol-Myers Squibb's Comments on the three major parts of the proposed changes follow each:

1) Weather Minima Necessary To Designate An Airport As An Alternate On An IFR Flight Plan: Bristol-Myers Squibb fully agrees with FAA that the proposed rulechange would enhance the safety of flight operations. At present, abundantly equipped IFR helicopters are often operated to destinations by highly experienced and trained IFR rated crews under marginal VFR conditions due to regulatory restrictions with regard to destination airport weather and alternate airports. Although such operations are both legal and safe, both industry and FAA would prefer to take advantage of the benefits of the IFR system available to other aircraft. Moreover, the vast majority of pilots operating these helicopters would prefer to conduct IFR operations in lieu of VFR.

It should also be noted that the potential for a helicopter "missing" an approach at a destination airport because of weather conditions, is significantly reduced in comparison to airplanes. This is evidenced by the fact that, even in cases when conditions at that airport unexpectedly deteriorate below forecasted weather, helicopters are still able to safely conduct instrument approaches at reduced airspeeds and, in many cases, are only required to have one half the visibility required of airplanes for that procedure (FAR Part 97 generally allows helicopter pilots to reduce required visibility approach minimums by one half that of airplanes).

Further, the proposed change should have no significant effect on ATC workloads, as most helicopter pilots currently utilize ATC flight following services when operating in marginal VFR weather conditions.

Altering FAR 91.169(b) to allow helicopter pilots to conduct IFR operations without the burden of having to designate an alternate airport when weather conditions at the destination airport are marginal VFR will undoubtedly serve to significantly enhance the overall safety of flight operations.

2) Alternate Airport Weather Planning Reauirements: It was clearly the intent of the working group and FAA (in issuing this NPRM) to allow helicopters to utilize lower than 600-2 / 800-2 [hereinafter "standard" alternate minimums (as defined by the United States Government Flight Information Publication "U.S. Terminal Procedures" Alternate Mins section (see attached "Exhibit AA" }, which states, "Standard alternate minimums for non precision approaches are 800-2 (NDB, VOR, LOC, TACAN, LDA, VORTAC, VOR/DME or ASA); for precision approaches 600-2 (ILS OR PAR)."].

However, as written, the proposed change to FAR 91.1679C)(1) will. in many cases. not alter the minimum weather reauirements for helicopters at alternate airports. In fact, the proposed verbiage requires helicopter pilots to utilize the same alternate airport weather minima as airplanes. The reason for this is that certain publishers of approach plates currently specify "standard" alternate airport weather minimum criteria on approach plates for many authorized alternate airports (this apparently is done only in certain geographical areas of the country and is most likely the reason that the authors of the proposed regulatory change were unaware that such minimums existed on certain authorized alternate airport approach plates). As a result, helicopters will still be required to adhere to "'standard" minimums merely because they are prescribed "in the procedure" for that airport on these approach plates. For this reason, the current verbiage of proposed FAR 91.169(c)(1) effectively negates any reduction to alternate airport weather minimums for helicopters that would have been realized at many authorized alternate airports under proposed FAR 91.169 (c)(2).

An excellent example of the foregoing is the Northeast section of the United States, where alternate airport minimums, be they "standard" or not, are specified on the back of the approach plates for virtually every authorized alternate airport.

Further, it was not the intent of the working group to require chart publishers to amend approach plates of authorized alternate airports to reflect helicopter alternate minima. If the proposed rule is adopted as worded, authorized alternate airport approach plates that prescribe "standard" alternate airport minimums would have to be modified to either include helicopter alternate airport minima or delete all "standard" alternate airport minima, in order for helicopters to legally utilize the reduced alternate minima intended by the working group.

Additionally, the current verbiage of proposed FAR 91.169(c)(1) provides no provision for any reduction in alternate minimums at airports where published procedures specify higher than "standard" alternate minimums. It was the understanding of this member of the working group that the group would provide some appropriate method of correspondingly reducing alternate minimums at such airports.

What a great irony it would be to allow helicopters to utilize lower than "standard" alternate minimums at airports served by only one instrument approach procedure and no approach radar, yet not allow them to utilize correspondingly appropriate alternate airport minimums at major metropolitan airports serviced by precision approach radar and multiple ILS approaches, many of which are Cat II, Cat III or "Helicopter Only;" all of which provide for significantly reduced approach minimums.

An example of this limitation is the Greater New York Metro area, wherein two of the three major metropolitan airports (each serviced by multiple Cat II, CAT III and "Helicopter Only" ILS approaches) have higher than "standard" alternate minimums (see attached "Exhibit B" j. Merely because the alternate airport minimums for precision procedures at these airports have been raised 100' to provide international flights a "buffer," helicopters would be unable to apply lower than "standard" alternate criteria to them.

It is the opinion of Bristol-Myers Squibb and this working group member that the foregoing is contrary to the intent of the working group. It is recommended that FAA provide helicopters with a reasonable alternative to higher than "standard" alternate minimums under FAR 91.169(c)(1).

In light of the foregoing, it is the request of both Bristol-Myers Squibb and this working group member that FAA resolve all three of the above noted anomalies, to wit:

1) Avoid the expense and logistical problems involved in requiring chart publishers to amend approach plates of many authorized alternate airport by prescribing helicopter alternate minimums

2) Rectify an apparent oversight that alternate airport minima criteria is currently prescribed on approach plates for certain authorized alternate airports

3) Allow helicopters to utilize realistic lower alternate minima at airports prescribing higher than "standard" alternate minima

by replacing the current verbiage of proposed FAR 91.169(c)(1) with the following:

"(1) If an instrument approach procedure has been published in Part 97 of this chapter for that airport, and alternate airport minima are specified in that procedure, the following apply:

(i) For airplanes-

The ceiling and visibility will be that specified in the procedure.

(ii) For helicopters-

(A) The ceiling will be 200' above the highest published minima for the approach to be flown.

(B) The visibility will be 1 statute mile above the highest published minima for the approach to be flown, or"...

This rephrasing of FAR 91.169(c)(1) would:

- Allow helicopters to utilize the intended lower than "standard" alternate airport minima set forth in FAR 91.169(c)(2), whenever "standard" alternate airport minimums are prescribed on approach plates for an authorized alternate airport.

- Eliminate the need to alter approach plates in any way.

- Allow helicopters to utilize realistic lower than "standard" alternate airport minimums at airports that prescribe higher than "standard" alternate airport minima.

3) Fuel Requirements For Helicopter Flight Into IFR Conditions: In general, Bristol-Myers Squibb agrees with the proposed changes to FAR 91.167(b), with the following exception.

It is noted that a conflict exists between certain verbiage in the narrative versions of proposed FAR 91.167(a) and proposed FAR 91.169(b) and the tabular versions. With reference to required weather reports and forecasts, the tabular versions includes the working group's intended verbiage of "The weather reports and/or prevailing weather forecast," whereas the narrative versions use "...(considering weather reports and forecasts and weather conditions). . . " and "...the weather reports or forecasts, or any combination of them.. . " respectively. It is therefore recommended that the above phraseology contained within the narrative versions of proposed FAR 91.167(a) and proposed FAR 91.169(b) be replaced with the working group's intended verbiage of "The weather reports and/or prevailing weather forecast."

FAA also requested public comment on "whether the tabular or narrative format [of proposed] FAR 91.167(b) and FAR 91.169(b) and (c) is preferable." Bristol-Myers Squibb finds the narrative format to be the clearer of the two and recommends incorporation of the narrative format into the final rule.

Bristol-Myers Squibb also agrees with FAA that significant noise related benefits will be realized by helicopters being afforded the opportunity to operate at much higher altitudes, in the IFR environment. If modified slightly and adopted, these rulechanges will go a long way in mitigating a myriad of noise complaints caused by helicopters operating at relatively low altitudes during times of reduced ceilings.

Bristol-Myers Squibb again thanks the Federal Aviation Administration for the opportunity to participate in the regulatory process and Comment on the proposed changes contained herein. We further urge FAA to correctly modify the NPRM and proceed with the fine rule process in an expeditious manner. Bristol-Myers Squibb would also welcome the opportunity to further participate in the rewording of the NPRM or final rule, were it the desire of FAA.

Sincerely,

Richard N. Dutson

Richard N. Dutson
Chief Pilot-Helicopters
Member FAA ARAC Working Group